

RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
701 Bridger Ave, Suite 820
Las Vegas, NV 89101
RAY13mail@LasVegas13.com
(702) 853-4500

E-FILED

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:

REBECCA L NISH

Debtor(s).

Chapter 13
BKS-09-12890-LBR
MOTION TO DISMISS FOR FAILURE TO
MAKE PLAN PAYMENTS

MOTION TO DISMISS

Hearing Date: September 17, 2009

Hearing Time: 2:30 PM

Comes now RICK A. YARNALL, Chapter 13 Bankruptcy Trustee in the above captioned bankruptcy case and for his motion states and alleges as follows:

1. Debtor(s) filed an Original Petition under Chapter 13, Title 11 of the United States Code on March 03, 2009.
 2. Debtors Plan was confirmed by the Court on 06/19/2009.
 3. The Trustee requests that this case be dismissed pursuant to 11 U.S.C. § 1307 for one or more of the following reasons, to wit:
 - (c)(6) Material default by the debtor with respect to a term of a confirmed plan to wit:
 - Failure to make plan payments
- The last payment by the debtor(s) was made on 06/02/2009 and the debtor(s) are \$1,600.00 in default under the terms of the current plan. The Debtor remains responsible for all payments that become due subsequent to the filing of the instant motion. Accordingly, Trustee requests an Order dismissing the case unless the debtor(s) **EITHER:**
- A. cure the default **AND** remain current with all future payments coming due, **OR**
 - B. file a Modified Plan, **OR**
 - C. Stipulate to resolve the Trustee's Motion to Dismiss to be approved by the Court

WHEREFORE, the Trustee prays the Court issue an order dismissing the within case for the reasons as stated above and that expenses in the amount of \$0.00 be allowed in this case.

DATED: 8/9/2009
JCL

/s/ RICK A YARNALL, TRUSTEE

Rick A. Yarnall
CHAPTER 13 BANKRUPTCY TRUSTEE